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THE ACT OF INCORPORATION

AND

BY-LAWS

OF THE

Springdale Cemetery

HSP 16 I

ASSOCIATION,

TOGETHER WITH THE

RULES, REGULATIONS, ETC.,

Relating to the Cemetery.

PEORIA, ILL.:

NASON & HILL, BOOK AND JOB PRINTERS.

1858.



OFFICERS.

President,

CAPT. WILLIAM A. HALL.

Secretary,

HERVEY LIGHTNER.

Treasurer,

LEWIS HOWELL.

Directors,

CAPT. WILLIAM A. HALL,

H. LIGHTNER, T. BALDWIN,

L. HOWELL, E. HUDSON.

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AN ACT TO INCORPORATE THE
SPRINGDALE CEMETERY
ASSOCIATION.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

SECTION 1. That THOMAS BALDWIN, HERVEY LIGHTNER, WILLIAM A. HALL and ONSLOW PETERS, and their associates, successors and assigns, be and they hereby are created a body corporate and politic, under the name and style of "THE SPRINGDALE CEMETERY ASSOCIATION", and by that name shall have perpetual succession, and be and they hereby are made capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity in this State or elsewhere; to have and use a common seal, and the same to renew and alter at pleasure; to contract or be contracted with; to take and hold land in fee simple, and personal property, and to sell, dispose of and convey the same; and shall be and are hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth, and to do all such other acts and things as are incident to a corporation and not in conflict with the Constitution and laws of this State or of the United States.

§ 2. The affairs of the corporation shall be managed by a Board of Directors, consisting of not less than three nor more than five persons, and who shall be members of the

corporation and be elected annually, by ballot, and hold their offices until their successors shall be elected and qualified. The annual election shall be on the first Saturday of January in each year; but the corporation may, by its by-laws, fix any other time for the annual election. The first election of Directors may be had at any time after the passage of this act, on six days' notice, in writing, being given to each of the members of the corporation of the time and place of meeting. Said notice may be given by any two of the persons above named, and the Directors so elected shall hold their offices until the next annual election, and until their successors shall be elected and qualified.

§ 3. The corporation may, by its by-laws, provide for other officers of the corporation, and prescribe the manner of their election or appointment, and define their term of office and duties.

§ 4. The Board of Directors shall appoint a President of the Board, who shall also be President of the corporation; and the Board shall also appoint a Secretary and Treasurer, who shall hold their respective offices for one year, and until their successors shall be appointed and qualified. The several officers herein named shall perform the duties usually implied by such offices, and such as shall be prescribed by the by-laws of the corporation. The Treasurer shall give bond to the President of the corporation and his successors in office, in such sum as shall be fixed by the by-laws, conditioned for the faithful performance of his duties, and with such other conditions as shall be prescribed by the by-laws. The corporation may also require by its by-laws any other of its officers to give bond, in such sum and with such conditions as shall be necessary to protect the rights of the corporation and of individuals; and upon the breach of the condition of either of such bonds, the President for the time being may bring suit thereon in any court having jurisdiction, and prosecute the same to final judgment and execution. In case of a vacancy occurring in the Board of Directors between the times of the annual meetings, the remaining members of the board shall have

power to fill such vacancy until the next election of Directors by the appointment of some suitable person, a member of the corporation, to fill the vacancy. A majority of the Board of Directors shall constitute a quorum for the transaction of business, unless the corporation shall otherwise provide by its by-laws.

§ 5. The corporation shall have power to take and hold, by purchase, gift, grant, devise, or otherwise, any quantity of land in the County of Peoria, not exceeding three hundred acres, for the sole purpose of a cemetery and the interment of the dead; and when the corporation shall have acquired such land, and the title thereto shall have vested in it or in trustees for its use and benefit for cemetery purposes, as contemplated by this act, the same shall be for ever thereafter exempt from all assessments and taxation, and from seizure and sale on execution or by any order or decree of any court, and from any appropriation of the same or any part thereof for public uses or purposes; and the burial lots into which the land may be divided shall also be exempt from all assessments, taxation and seizure or sale upon execution or by any order or decree of any court, and from any appropriation to public purposes, whether the said lots shall be held and owned by the said corporation or its grantees or assigns. The corporation shall have no power to sell, alienate, or in any way convey or appropriate the said land for any other than cemetery purposes, nor shall owners of lots have power to alienate, convey, or in any way appropriate any of the lots on said land for any other use or purpose than for the interment of the dead: *Provided, however,* that the corporation may mortgage or convey in trust any part of said land which shall not be laid out in lots for the purpose of raising and securing money to pay the expenses of laying out, fencing and improving said land and fitting it for cemetery purposes, and to defray the expenses of the association; but no lots on the part of the land so mortgaged or conveyed in trust shall be sold and conveyed by the corporation until the mortgage or trust deed shall be, as to such lots, discharged, so as to be no incumbrance on such lots.

§ 6. The conveyance of lots from the corporation to individuals may be by a deed of the President, under his hand and the seal of the corporation, or such sale may be evidenced by certificate, signed by the President and countersigned by the Secretary, under the seal of the corporation, specifying that such person is the owner of the lot; and such certificate shall vest in the proprietor, his heirs or assigns, a fee simple in such lot, but for the sole purpose of interment of the dead, under the provisions of this act and the rules and regulations of the corporation. The Secretary, in a book to be by him kept for that purpose, shall enter therein a full memorandum of all lots sold, when and to whom sold, and the date of the deed or certificate conveying the same.

§ 7. *[Repealed.]*

§ 8. Lot-owners may alienate a whole lot, but no lot or parts of a lot shall be so alienated that different persons may hold the same or parts thereof in severalty; but nothing in this section contained shall prohibit any two or more persons from being the owners of a lot as tenants in common. The mode of transferring or conveying lots by one purchaser to another shall be by deed, and the Secretary, upon such deed being filed with him, shall enter upon the book of the corporation in which entries of certificates of sale are made, as in this act is provided, the date of the deed, a description of the lot, from whom and to whom the conveyance is made, and the time of filing the deed. Such deed shall vest all the right and title of the grantor in the lot in the grantee, his heirs and assigns. The entries of the Secretary in the books of the company shall be evidence in all courts of the facts stated in such entries.

§ 9. *[Repealed.]*

§ 10. Out of the proceeds of the sales of lots the corporation may first pay the purchase money of the land purchased for cemetery purposes, and the expenses of grading, laying out and fencing the same, and all necessary incidental expenses, with interest; and after the payment of such purchase money, expenses and interest, the corpora-

tion shall provide, by its by-laws, for appropriations out of the proceeds of sales of lots to keep the grounds in repair and in good order: *Provided, however,* that nothing herein contained shall make it requisite for the corporation to pay the whole of such purchase money, expenses and interest before extending the laying-out, grading and platting other parts or portions of said land from time to time, as said corporation shall deem it necessary and proper.

§ 11. Lot-owners shall at all times have a right of way over any roads or ways provided by the corporation leading to said land, and also to pass or repass over any of the alleys, avenues and carriage-ways on said land, in conformity to the rules and regulations of the corporation.

§ 12. No public road or highway shall ever be laid out or located over or upon the said land, nor in any way shall any of said land be taken or condemned for any public use whatsoever.

§ 13. The members of the corporation, after its organization, shall consist of not less than five nor more than fifteen persons. The corporation, after its organization under this act, may determine the manner in which persons may become members, and regulate the mode of transferring and conveying the shares or interest of its members.

§ 14. In case of the decease of any member of the corporation intestate, or, if testate, failing to dispose of his or her share or interest in the said land, so that the same shall descend to several of his heirs or personal representatives, the persons so taking such shares or interest shall be tenants in common of such share or interest, and may depute and authorize one of their number to act in their behalf in the meetings and the affairs of the corporation; and the person so deputed shall have all the powers of any other member. The proper courts having jurisdiction to order or decree sales of estates of decedents may, on the petition of one of the persons who take the share or interest of a deceased member, order the sale of the whole of the share or interest of the decedent in the same manner that the

estates of deceased persons are sold for the payment of debts; and the said courts shall inquire into and determine what part, if any, of the proceeds of such sales shall be paid to such corporation on account of the claim, legal or equitable, of the corporation against such share or interest to pay any debts or to contribute to the funds of the corporation. The residue, after paying the costs and expenses of the proceedings and of the sale, shall be paid over to the persons entitled thereto as such heirs or personal representatives; but in no case shall there be a partition among such heirs and tenants in common of any share or interest, but the same shall remain an entirety for all purposes of the business of the corporation: *Provided, however,* that if several persons become the joint owners of any share or interest, by descent or otherwise, each joint owner may convey his interest therein to any one of the co-tenants.

§ 15. It is hereby declared that the title to said land, when the terms and provisions of this act shall be complied with, shall be vested in the corporation as a trustee, and the corporation shall hold the same in trust for the purpose of interment and a repository for the dead for ever; and the said corporation and the members thereof are hereby for ever prohibited from selling, conveying in any way, alienating or appropriating any part of the land so laid out and platted, as herein provided, for any other use or purpose whatsoever than is contemplated by this act.

§ 16. Any person who shall willfully destroy, injure or remove any tomb or monument or any grave-stone placed in said cemetery, or shall willfully remove, destroy, cut, break or injure any fence around or any railing, fence, tree, shrub or plant within the limits of said cemetery, or shall shoot off or discharge any gun or other firearms within the said limits, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any justice of the peace in the County of Peoria, be fined not less than five dollars nor more than one hundred dollars, according to the nature and aggravation of the offense; and the court before whom the conviction is had may, in its discretion,

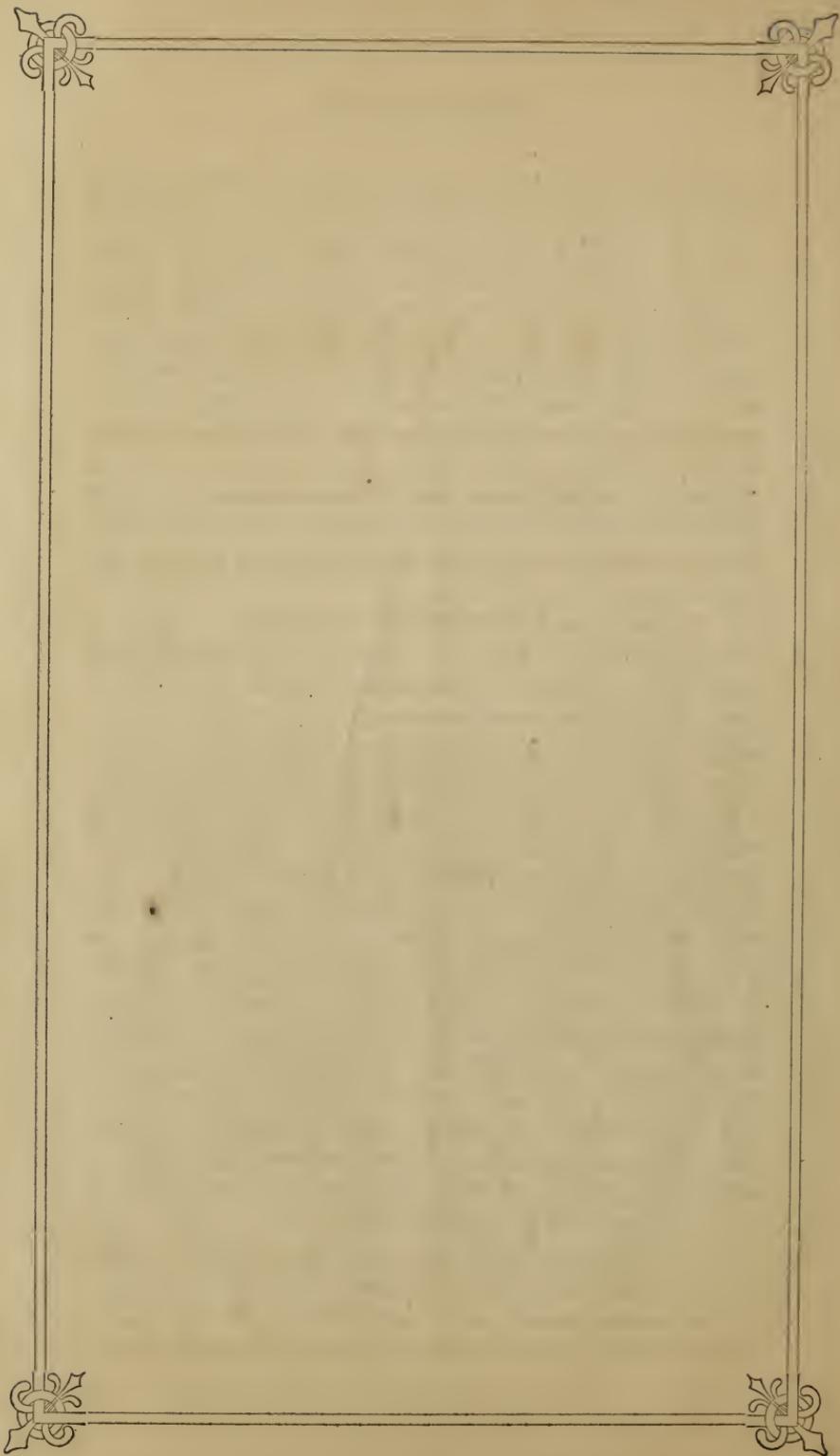
make an order as part of its judgment, that the defendant shall be committed to and confined in the common jail of the county till the fine and costs shall be paid; and such offender shall also be liable to an action of trespass, to be brought before any justice of the peace or court of competent jurisdiction, in the name of said corporation, to recover all damages sustained by his or her unlawful act or acts; and the amount of the fine or the damages, when recovered and collected, shall be paid over to the corporation or its proper officer, to be used to repair or restore the property destroyed or injured, or for such other purpose as the corporation or its Board of Directors shall determine; and in such suits and prosecution members of the corporation shall be competent witnesses.

§ 17. It shall be lawful for said corporation to take and hold any grant or bequest of money or property in trust, and to apply the same or the income thereof, under the direction of the Board of Directors, for the improvement of said cemetery or any portion thereof, or in the erection and preservation of any tomb or monument, according to the terms of any such grant or bequest; and any court having equity jurisdiction for the County of Peoria shall have power to compel the performance of any such trust.

§ 18. Any person who shall willfully open any tomb, vault or grave within the limits of said cemetery, for the purpose of robbing or taking from such tomb, vault or grave any of the clothes or materials placed therein with the corpse, or who shall remove any body from said cemetery for the purpose of dissection, or shall knowingly receive any such body after its removal, together with all aiders and abettors, shall be deemed guilty of felony, and upon indictment and conviction therefor shall be punished by imprisonment in the penitentiary for a term not less than one year nor more than three years.

§ 19. This act is declared to be a public law, and shall take effect and be in force from and after its passage.

Approved Feb. 14, 1855.



BY-LAWS

DETERMINING THE AMOUNT OF CAPITAL OF THE SPRINGDALE CEMETERY ASSOCIATION,

The Manner in which the same shall be Subscribed for, Paid in, Transferred and Held.

SECTION 1. The capital of this Association shall be twenty thousand dollars, to be divided into shares of one hundred dollars each; and any person or persons subscribing for one or more shares and paying in the installment called for in the second section of these By-Laws, shall thereby become members.

§ 2. Every person subscribing for one or more shares shall, at the time, pay sixty per cent. on the amount subscribed; for which a receipt shall be given by the Secretary, who shall pay over the same to the Treasurer; and the remainder of the sum subscribed shall be paid in installments as the same may be called for by order of the Board of Directors; but no installment shall exceed ten per cent. of the amount subscribed, and the Board of Directors may at any time hereafter provide for a penalty, or forfeiture of shares in whole or in part, in consequence of a failure to pay, on the part of the owner, any installment that may have been ordered by the Directors.

§ 3. Certificates shall be issued for the number of shares subscribed for, when the whole sum of one hundred dollars

per share shall have been called for by the Board of Directors and paid in by the owners; provided that any owner of shares may at any time pay the full amount of one hundred dollars per share and receive certificates for the same.

§ 4. In all elections of officers of this Association, or in any elections or voting whatever, where the same is done by shareholders, each shareholder shall be entitled to one vote for every share so held, on which sixty per cent. shall have been paid, as provided in section two of these By-Laws; and no share shall be voted for by proxy unless in the case of sickness or absence from the City of Peoria of the owner, or unless such owner be a female; and a majority of all the shares of this Association shall be necessary to elect officers or to determine any question voted for by shareholders.

§ 5. Receipts for payment on shares or certificates of shares shall only be transferable upon the books of the Company, upon the surrender of the old receipt or certificate, and directing the issue of a new one to the purchaser; and any other transfer or assignment shall be null and void.

§ 6. These By-Laws may be altered, amended, or repealed, by a vote of the shareholders: a majority of all the shares being necessary to such alteration, amendment, or repeal.

BY-LAWS.

RULE 1. The Board of Directors shall be shareholders at the time of their election, and shall reside in the County of Peoria; and any member ceasing to be a shareholder, or removing from the County, shall thereby vacate his office.

RULE 2. The Annual Election for Directors shall be held on the first Saturday in January in each year, until further provided. In case of the non-election of Directors on the day herein specified, the existing Board shall appoint a time for a new election.

RULE 3. In case of any vacancy occurring in the Board of Directors, the Board shall fill the same by appointment; and the person so appointed shall continue in office until the next ensuing annual election.

RULE 4. There shall be four regular meetings of the Board in each year, viz: On the first Saturday in January, April, July, and October. Special meetings may be called by the President or by the Secretary, upon the request of any member of the Board.

RULE 5. The President shall preside at the meetings of the Board; in his absence a President *pro tem.* shall be appointed. He shall have a general supervision over the interests and affairs of the Association.

RULE 6. All By-Laws, Rules and Regulations of this Association may be enlarged, repealed, altered, or amended, or new ones made, at any meeting of the Board of Directors hereafter, provided a majority of the whole Board concur therein.

RULES AND REGULATIONS.

1. All lots shall be held in pursuance of "An Act to incorporate the Springdale Cemetery Association", approved February 14, 1855, and such By-Laws, Rules and Regulations as are or may be hereafter made by the Board of Directors, in accordance with the provisions of the Charter.
2. The price of lots shall be 12½ cents per square foot until further provided by the Board of Directors.
3. The proprietor of each lot shall have the right to inclose the same with a wall or fence not exceeding eighteen inches high, exclusive of the railing, which shall be placed on the line of said lot.
4. Proprietors shall not allow interments to be made in their lots for a remuneration.
5. No disinterment shall be allowed without permission being obtained at the office of the Association.
6. The proprietor of each lot shall have the right to erect any proper stones, monuments, or sepulchral structures thereon, all of which shall be properly set in masonry; and to cultivate trees, shrubs and plants on the same: but no tree growing within the lot or border shall be cut down or destroyed without the consent of the Directors.
7. If any trees or shrubs, situate in any lot, shall by means of their roots, branches or otherwise, become detrimental to the adjacent lots or avenues, or dangerous or inconvenient to passengers, the Directors shall have the right to enter the said lot and remove the said trees or shrubs, or such parts thereof as are in their opinion detrimental, dangerous, or inconvenient.
8. If any monument, effigy or inclosure, or any structure

whatever, or any inscription, be placed in or upon any lot, which shall, in the opinion of the Directors for the time being, be offensive or improper, or injurious to the appearance of the surrounding lots or grounds, the said Directors shall have the right to enter upon such lot*and remove the said offensive or improper object or objects.

9. It shall be the duty of the Board of Directors from time to time to lay out or alter such avenues or walks, and to make such rules and regulations for the government, orderly maintenance and repairs of the grounds, as they may deem requisite and proper to secure and promote the general objects of the Association.

10. Proprietors of lots and their families shall be allowed access to the grounds at all times, observing the rules which may be adopted for the regulation of visitors.

11. The conveyance of titles to lots shall be in the following form, which is in accordance with the sixth section of the Charter, viz :

Office of the Springdale Cemetery Association.

No..... PEORIA, 18.....

THIS IS TO CERTIFY that is the owner of lot numbered, in Section Number Located in the Springdale Cemetery, having paid therefor the sum of dollars cents, the receipt of which is hereby acknowledged—owned and held subject to the By-Laws, Rules and Regulations of the Corporation, in force for the time being—and containing square feet, as will more fully appear by reference to the Record of Surveys in the office of the Association.

[L.S.] President.
..... Secretary.

RULES CONCERNING INTERMENTS.

1. A receiving tomb is provided at the Cemetery for the accommodation of those who intend to purchase lots. Twenty days' time will be allowed for making the selection and removing the remains; and when the improvement of the lot or other circumstances may make it necessary, a reasonable extension will be granted. Interments made in the Winter season may remain until the weather in the Spring will admit of selections being made. No charge is made for the use of the tomb, except one dollar each time it is opened. In case of removal from the Cemetery, however, a charge will be made of ten dollars each for adults, and five dollars for children.
2. Single graves may be procured in lots at four dollars each for adults, and two dollars for children under ten years of age.
3. The duties of Superintendent of Interments are performed by the Keeper of the Grounds, who is required to be in attendance at every interment.
4. In each case of burial or deposit in the vault, a statement giving the name, place of nativity, residence, age, disease of the person interred, and also whether married or unmarried, must be handed to the Keeper, that an accurate registry may be made of the same.
5. All interments will be subject to the following charges, which in all cases must be paid at the office of the Cemetery before the interment, or to the Keeper at the time of interment: the price of opening graves will be as follows:

Adults' graves (usual depth).....	6 feet.....	\$3 00
do do	7 feet.....	3 25
do do	8 feet.....	3 50
do do	9 feet.....	4 00
Children's Graves (10 years and under) 6 feet.....		2 00
do do do	8 feet.....	2 50
do do do	9 feet.....	3 00
Opening vaults under ground.....		2 00
Opening tombs in side-hills and above ground.....		1 00

R U L E S

CONCERNING IMPROVEMENTS.

1. To insure the proper regulation of the grounds, the grade of all lots will be determined by the Agents of the Institution.

2. All workmen employed in the construction of vaults, inclosing of lots, erection of monuments, etc., must be subject to the control and direction of the Agents of the Institution; and any workman failing to conform to this regulation will not be permitted afterward to work on the grounds.

3. Wooden inclosures will not be allowed except by special permission of the Agents, after a plan of the proposed inclosure shall have been submitted.

4. Tombs, when the entrance is not closed with earth, must be furnished with shelves having divisions allowing interments to be made separately, and perpetually sealed so as to prevent the escape of unpleasant effluvia.

RULES CONCERNING VISITORS.

Each proprietor of a lot will be entitled to a ticket of admission into the Cemetery, with a vehicle, under the following regulations:

1. No vehicle will be admitted unless accompanied by a proprietor or a member of his household, with his ticket, or unless presenting a special ticket of admission obtained at the office of the Company.
2. On Sundays the gates will be closed. Proprietors of lots, however, and persons accompanying them, will be admitted on foot by applying to the Keeper at the lodge.
3. No vehicle will be allowed to pass through the grounds at a rate exceeding four miles an hour, and persons on horseback or in vehicles are expressly prohibited from leaving the avenues.
4. No person having refreshments of any kind will be permitted to come within the grounds, nor will any smoking be allowed.
5. All persons are prohibited from picking any flowers, either wild or cultivated, or breaking any tree, shrub or plant.
6. All persons are prohibited from writing upon, defacing or injuring any monument, fence or other structure in or belonging to the Cemetery.
7. Any person disturbing the quiet and good order of the place by noise or other improper conduct, or who shall violate any of the foregoing rules, will be made to suffer the penalty provided for in the Charter of the Association.
8. The Keeper or Porter, as the case may be, is charged to prohibit the entrance of all improper persons, and also

those who at any time shall have willfully transgressed the regulations of the Cemetery, although presenting tickets.

9. No money may be paid to the Porter or other person in the employ of the Association in reward for any personal service or attention.

GENERAL REMARKS.

These grounds have not been '*laid off into lots*'. The system of laying off Cemetery Grounds into streets, alleys, blocks, and lots is no longer in use, except on grounds of small extent and level surface. Aside from its stiffness and unsightliness, it would be impracticable in this case, owing to the uneven nature of the ground.

The approved system now in general use, and the one to be adopted here, is as follows: The whole ground will be surveyed into sections two hundred feet square, beginning at the N.W. corner and numbering west and east as the land sections are numbered in our townships; a permanent land-mark, say a dressed stone sunk to the level of the surface, will be placed at each corner of every section.

The lots will be numbered in the order in which they are sold, and will be recorded in the Book of Surveys as Lot No. —, in Section No. —, in ——— [a division or district to be named]. This will clearly indicate the locality.

This survey can not be made at present, but will be done as soon as the necessary funds can be procured. It will cost, together with a topographical map got up in good style, say from five hundred to eight hundred dollars.

Applications for lots and interments may be made to either of the officers, or to the Superintendent at his office on the grounds, who will give all necessary information on the subject.

Lots may be had of any size and shape desired, keeping in view a harmonious arrangement, and consequently at any price that may suit the purchaser.

The price is uniform throughout, and for the present is fixed at 12½ cents per square foot.

These grounds contain one hundred and sixty acres, and have cost, up to this time, all told, about twenty thousand dollars. They are inclosed by a good substantial board fence, with two entrances, one on the N.W. corner, and the other on the south line. The N.W. entrance is by the Prospect Hill road, and the south entrance by the beautiful and shaded new road recently opened, being an extension of Perry street. The distance from the Court-house to the grounds by the first-named road is about three miles, and by the latter road less than two miles.

These grounds possess in a superior degree all the requisites of a splendid cemetery, and in their arrangement and diversity of hill, dale, shade and water, are said, by men of experience and taste in cemetery matters to be unexcelled.

Time and means are necessary to develop their beauties and to furnish the citizens of Peoria a pleasant place, easily accessible, wherein to spend a quiet hour or two among beautiful scenery and shaded avenues, as well as to furnish a final resting-place, having besides all the external beauties spoken of, all the advantages known to belong to a well-regulated Cemetery.

The Officers are expending now, and have done so up to this time, in addition to all their immediate means, all the receipts from the sales of lots, as well as from the sales of wood and hay taken off the ground, in the repairs of avenues, making new ones and cleaning the surface.

They desire from this time on to make the Cemetery self-sustaining at least, and to this end, as well as for the general advantages before stated, they invite the co-operation of the citizens of Peoria. This may be rendered either by purchasing lots, or by taking some shares of the capital.

The ground is owned in fee simple by the Association, and is clear of incumbrance.

